

APPROVED: Meeting No. 37-96

ATTEST: *Paula Jewell*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 33-96

August 5, 1996

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on August 5, 1996, at 7:32 p.m.

PRESENT

Mayor Rose G. Krasnow

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Robert J. Wright

ABSENT

Councilmember Glennon Harrison

In attendance: City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. On July 24, the City participated in a nationwide pilot to promote recreation and park programs. The event was nationally known as "Come Out and Play" and Rockville hosted a very successful event.

2. On July 30, the City announced the retail complex to be located in Rockville Town Center and which will include a 13-screen theater and a variety of restaurants and other eating establishments. This was a goal of the Mayor and Council

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that has reached fruition. Construction work is currently underway to grade the site where the theater will be situated.

3. A golf benefit in the memory of the late Rick Golin, a Rockville Police Officer was held on July 30th to raise scholarship money for the children of fallen police officers. Mr. Kuckkahn expressed appreciation to Police Corporal Jeff Parke who initiated the idea for the event.

4. Mr. Kuckkahn said that during the July 22 General Session, concerns were raised about the location of the Potomac Woods Park Storm Water Management project and whether adequate outreach about the project had taken place. Mr. Kuckkahn reported that three public meetings were held on the issue in addition to two field trips, two homeowner association meetings, in which all of the Cabin John neighborhood associations were contacted, and six neighborhood advisories were mailed. Mr. Kuckkahn explained the reasons for not selecting the ball field as the preferred location and said the City's needs for recreation and parks outweighed the need to locate a SWM detention base in the ball field. Mr. Kuckkahn said that cost and service were also factors. The City will continue to work with neighbors throughout the project design stages.

5. Mr. Kuckkahn noted two new publications which highlight the City and its programs. The July/August issue of Municipal Maryland features Rockville as the Host City for the Maryland Municipal League's Fall Legislative Conference in October. The second publication is the City's new Leisure Time brochure, which includes a listing and

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explanation of the City's many recreation and park programs, special events and recreational facilities.

6. City residents may have experienced yellow water coming through their pipes as a result of heavy rains in the western part of the State. Unusually muddy Potomac River waters caused trouble at the Rockville water treatment plant over the past weekend. The plant was forced to shut down so it could deal with the increased silt in the water. Fire hydrants were opened and pipes were flushed in order to improve water quality.

7. Mr. Kuckkahn introduced Rebecca Feaster, the City's new Public Information Officer. Mrs. Feaster recently worked in the Middle East. She also served as PIO for the Virginia Police Department, and joins the City's new Cable Television Producer/Writer Jane Buckley and Print Editor Karen Shulman. The City bids farewell to Jeff Baldwin, Television Production Specialist who had been with the City's Cable Television operation since its inception and significantly contributed to the quality programming seen day-to-day on Rockville Cable.

Re: Proclamation declaring August  
6, 1996 as **NATIONAL NIGHT  
OUT** in Rockville.

Proclamation No. 18-96

By a unanimous vote of the Mayor and Council, August 6, 1996 was declared "National Night Out" in Rockville. The Proclamation was read by Mayor

Krasnow, the full text of which can be found in the 1996 Proclamation File of the Mayor and Council. The following block captains and party organizers accepted copies of the Proclamation: Debbi Bartlett (College Gardens Community), Frances Lee (5800 Block of Halpine Road), Francis Fischer (Upper McAuliffe Drive Civic Association), Craig Moloney (500 Block of Anderson Avenue), Brian and Peggy Miles (1300 Block of Crawford Drive), Glenn Doerrman (13100 Block of Okinawa Avenue) Ann Barnhill (700 Block of Brent Road), and Kathy Vengazo (College Gardens Homeowners Association).

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. William Meyer, 804 Leverton Road submitted written comments on the actions taken by the Mayor and Council to change Storm Water Management requirements. Mr. Kuckkahn was directed to transmit Mr. Meyer's questions to the City's Engineer for response.

2. Enid Beaumont, Center for the Study of American Government of Johns Hopkins University introduced Barbara Szczerbinska, a community organizer working with the Dialog Program at the Foundation In Support of Local Democracy in Bialystok, Poland. Ms. Szczerbinska spoke about her visit to Rockville and three other U.S. cities to learn about citizen participation at the local level.

3. Don Vandrey, 200 Dale Drive spoke about the two emergency procurements listed on the Mayor and Council's Consent Agenda. The procurements were

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for the purchase of two recycling trucks and chipper equipment as part of an effort to move the recycling program from the private sector to the City. Mr. Vandrey said that the procurements involved a significant change in City operations involving costly equipment acquisitions and additional staffing. He said that the only prior discussion on the matter took place at a Worksession on July 15th and that an emergency procurement of any type warranted a public explanation. He also felt that a decision to change recycling services should wait until the City's new Public Works Director was on board and had an opportunity to review the operations.

Mayor Krasnow said that answers to Mr. Vandrey's comments would be addressed during discussion of the agenda items. (City Clerk's note: See page 10)

4. Marty Mitchell, Mitchell & Best Homes requested the Mayor and Council's approval of Consent Item G, an on-site water quality facility for the 15 single family house development in the Watts Branch drainage area.

Re: Approval of Minutes

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the Minutes of Meeting No. 26-96 (June 10, 1996) were approved as amended.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Minutes of Meeting No. 27-96 (June 17, 1996) were approved as written.

Re: Consent Agenda

Councilmember Wright requested removal of Items B and C, G, I and J.

Councilmember Dorsey requested removal of Item E. Mayor Krasnow requested removal of Item F. Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- (A) Award of Bid #77-96  
To: HMF Paving  
Of: Frederick, MD  
In the amount of: \$196,777.75

For: Montrose Park Renovations

- (D) Award of Bid No. 4-97 (as Amended)  
To: Romano Concrete Construction, Inc.  
Of: Silver Spring, MD  
In the amount of: \$575,000

For: Concrete Maintenance for FY 1997, includes street repairs, utility patches, handicap ramps, and miscellaneous small sidewalk links.

**NOTE:** The 7/8/96 Agenda Cover Sheet, in which this Bid was originally awarded, failed to include the additional funds of \$112,960.50 to allow expenditure of all budgeted funds. The total budgeted expenditure is \$575,000.

- (H) Award of Contract  
To: American Management Systems  
Of: Fairfax, VA  
In the amount of: \$25,470.87

For: Software maintenance for GHRS, the City's payroll system, and associated report writing utility, on a sole-source basis.

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Re: Item (B) - Approval of Addition to  
Contract for Senior Center Phase III  
Renovations

To: J.G. Garcete Co., Inc.  
Of: Silver Spring, MD  
In the amount of: \$37,650.40

According to staff's memorandum, the Senior Center, originally an elementary school, was built in the mid-1950s. During construction, it was discovered that the building was not built to original "as-built" drawings. Councilmember Wright asked how this developed. Mr. Kuckkahn explained that "as-built" drawings were usually accurate; however, once structures were taken apart, conditions often appeared different inside or mechanical equipment might not be in the condition originally thought. Mr. Kuckkahn said that new as-built plans should be completely accurate and would be on file so that future modifications could be based on more accurate information.

Upon motion of Councilmember Wright, duly seconded and unanimously passed, the addition to the contract was approved.

Re: Item (C) - Award of Contract  
To: Wheeler Goodman Masek and  
Associates, Inc.  
Of: Annapolis, MD  
In the amount of: \$36,455

For: Architectural/Engineering Services  
for Improvements to City Hall.

Councilmember Wright questioned why the contract was not competitively bid. Superintendent of Recreation Phil Bryan said that Wheeler Goodman Masek and

Associates had performed extensive work on City Hall, including the original Master Plan for renovations in 1988 and they had re-designed the Community Development and Community Services offices. Mr. Kuckkahn said that the project was complex and the impact on staff had to be balanced because a number of employees would have to be shifted around within departments. Mr. Kuckkahn said that it would be difficult to spend time to bring another architect up to speed in understanding the City's operations.

Councilmember Marrinan said that there was a sensitivity about sole source contracting, and if staff planned to award these types of contracts on a regular basis, a clearer understanding was needed about recommending sole source procurements. Upon motion of Councilmember Wright, duly seconded and unanimously passed, the contract was awarded to Wheeler Goodman Masek and Associates, Inc.

Re: Item (E) - Award of Bid No. 10-97  
To: G & M Painting Enterprises, Inc.  
Of: Riverview, Michigan  
In the amount of: \$780,400

For: Cleaning, Surface Preparation,  
Repairing and Painting of the Carr  
Avenue water standpipe.

Noting the costs involved with cleaning and maintenance of a standpipe, Councilmember Dorsey inquired what the difference was between a water standpipe and a water tank. Civil Engineer Mike Wilhelm explained that "tank" was a general term applied to any vessel that held water, however a standpipe was taller than it was wide. Mr. Wilhelm compared a standpipe to a reservoir which he said was wider than it was



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tall. Mayor Krasnow noted that the lowest bid was not accepted for the project, and she said that the project was sensitive to the neighborhood because of the safety issue involved. The company selected to renovate the Carr Avenue water standpipe was very familiar with the type of work involved. In addition, references checked on the lowest bidder were not very responsive. Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, Bid No. 10-97 was awarded to G & M Painting Enterprises, Inc.

Re: Item (F) - Award of Bid #19-97  
 To: HMF Paving  
 Of: Frederick, MD  
 In the amount of: \$28,359.40

For: Roadway Re-location at Rockville  
 Civic Center Park.

Mayor Krasnow noted that Item F was a new item which was added after the agendas were mailed on August 1st. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Bid #19-97 was awarded to HMF Paving.

Re: Item (G) - Approval of on-site water  
 quality facility for the 15 single family  
 house development on a 5.6-acre lot at  
 the end of Defoe Street in the Watts  
 Branch drainage area.

Councilmember Wright said two of the conditions for approval of the project were that the developer provide a two year warranty with regard to function and that they maintain the bioretention facility for a two year period. Mr. Wright asked when does the two year period begin for both of the requirements. Susan Straus, Engineer for

the Environment said that the warranty period began immediately after construction of the facility was completed, and the maintenance period would begin after the homes were constructed. Mr. Wright noted the possibility of the facility being completed years before all of the houses were built, and he questioned whether the warranty would expire on the facility because the two year period had lapsed. Ms. Straus said that the facility would not be operational and the storm drain runoff would not be allowed to enter the facility until the construction was complete.

Upon motion of Councilmember Wright, duly seconded and unanimously passed, the on-site water quality facility was approved.

Re: Item (I) - Emergency Procurement  
To: Gran Turk Equipment Co., Inc.  
Of: Baltimore, Maryland  
In the amount of \$190,990

For: Purchase of two recycling trucks  
for the Refuse Department.

Re: Item (J) Emergency Procurement  
To: Security Ford New Holland, Inc.  
Of: Baltimore, Maryland  
In the amount of \$21,500

For: Purchase of a Chipper/Chip-Box  
Combination Trailer Unit for the Refuse  
Department.

Responding to Mr. Vandrey's earlier comments, Mr. Kuckkahn explained that the City's current contractor had provided a poor service to the City and its residents, and they were incapable of providing the service level the City expected. The City's work

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force provides the high level of services expected, and this was evident through the City's refuse pick-up program. Mr. Kuckkahn said that staff looked at the entire process and explained the proposal to the Mayor and Council at the July 15 Worksession. Staff was satisfied that the City would ultimately save money by implementing in-house recycling. Part-time personnel would be hired to provide the service which would also add flexibility to the Gude Drive work force and benefit our waste collection service. The Mayor and Council agreed that recycling services be brought in-house, and the decision was made that the City's Refuse Department would provide recycling service in-house in lieu of contracting the services to a private hauler. The current contract with the private hauler expires on October 7, 1996. In order to provide the in-house service, two co-mingle recycling trucks and one chipper/chip-box combination unit must be purchased by October 4.

Mr. Kuckkahn noted that emergency procurement is a process successfully utilized over time. Staff did obtain price estimates from a variety of truck purveyors and were very comfortable with the estimates that the recycling equipment would cost. The prices were competitive and the City was receiving good value for its dollar with these procurements.

Regarding a modification of the refuse rate, Mr. Kuckkahn said that the Mayor and Council questioned whether the money saved by the reduction in the County's tipping fee would be returned this year through the rate structure or whether the options

should be kept open. Staff recommended that the Mayor and Council maintain the money in the refuse fund as a way of funding other options. In future years, the City will pass along the reduction in the tipping fee.

Mayor Krasnow said that she was concerned about the inaccurate impression that the proposal had not been discussed. She said the Mayor and Council discussed the issue at great length in a Worksession. The issue of what to do with the reduction in the County's tipping fee was discussed in a Budget Worksession and was reported in the press. Mayor Krasnow also said that the Mayor and Council first began talking about the proposal prior to budget public hearings. Mayor Krasnow said that the Mayor and Council were unanimous in agreeing that the proposal which made the most sense was to bring recycling in house. Over the last several years, the City has heard a great deal of criticism about the recycling services. She noted that staff had researched ways to use other contractors, however, the Mayor and Council saw many advantages to bringing recycling in-house. The Mayor also noted that the City's Public Works' staff had worked hard on the proposal. They felt very strongly that this was a service they could provide in the same manner in which they currently provide refuse service.

Councilmember Marrinan said that it was clear to everyone that the current contractor was performing an inadequate. The number of complaints received by the City were voluminous. Mr. Marrinan noted the enthusiasm in which staff approached the issue and their desire for wanting the challenge to provide recycling service in-house. Mr.

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Marrinan said that he felt that they deserved the chance to meet the challenge and he was very supportive of the proposal.

Councilmember Wright said that when Mayor and Council were first made aware of the tipping fee reduction, their reaction was whether to consider reducing the cost to citizens or to determine if there was a better proposal. Staff came back with a better proposal and Mr. Wright said that he agreed that the cost savings, on paper, appeared to be evident and the Mayor and Council chose to use the tipping fee reduction to fund the proposal. Mr. Wright noted that one concern he had was whether staffing levels would have to be increased and he inquired how many additional staff persons would be needed. Mr. Kuckkahn responded that twelve additional part-time staff members would be necessary to provide the service.

Upon motion of Councilmember Wright, duly seconded and unanimously passed, the Emergency Procurements for the purchase of two recycling trucks and the purchase of a Chipper/Chip-Box Combination Trailer Unit, were approved.

Re: Adoption of Ordinance to Grant Text  
Amendment Application TXT96-0155,  
as amended, Manor Healthcare  
Corporation, Applicant.

Ordinance No. 13-96

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the Ordinance to grant Text Amendment Application TXT96-0155 was adopted. The Ordinance amends the Zoning Ordinance to add a new use titled "adult day care

center," to permit the use in all nonresidential zones except for C-1, C-2, and RPC, and to add a parking standard for the use. A full copy of the Ordinance may be found in Ordinance Book No. 18 of the Mayor and Council.

Re: Discussion and Instructions to  
Staff - Exploratory Application  
for Residential Townhouse  
Development RTH96-0017,  
Montgomery County  
Government, Applicant.

For 23 residential townhouses on  
Wootton Parkway, west of  
Edmonston Drive.

Regarding the 1994 RTH application for the Veirs property, Councilmember Wright questioned whether staff had taken any action to prominently display a notice on the Master Plan that would clarify that Special Exceptions were allowed in certain zones, so that people were not misled with regard to the type of development taking place. Neal Herst, Director of Community Development, explained that since the Veirs RTH application, the City prepared language and has been in contact with the Montgomery County Association of Realtors (MCAR) to alert people about the Master Plan. The City Code requires that realtors show the Master Plan (as a proposed land use map) to potential purchasers. Mr. Herst said that the City had been working with MCAR on the proposed language; however, to date no language has been agreed upon.

With regard to the purpose clause of the special development procedures, Councilmember Wright said that one need not look beyond the perimeter of the property. When a property was bounded by a public road, one should consider what was across the street. Mr. Wright said that he believed that Section 25-611 of the Zoning Code could be broken down into three separate conditions for meeting RTH guidelines: (1) ...in Town Center or adjacent to it (which he took to mean, abutting Town Center); (2) ...in other areas of the City, where there is a need for transitional use, between commercial, office, industrial, and multi-family uses and residential property next to it; and (3) ...isolated sites which were predominantly dominated by non-residential uses, such as parks, institutions, public uses and private recreational areas. However, he believed that "predominantly bounded" meant 100 percent non-residential uses. Mr. Wright said he believed that the proposed development met this last criteria, and that the parcel was isolated as there were four separate non-residential ;and uses surrounding it. Mr. Wright said that he was curious as to why the Planning Commission did not see it this way, however, the Applicant had a right to have a special exception development on the property. Mr. Wright also noted his concern that the proposed townhouses were "placeholders" and there was no knowledge as to what the homes would actually look like. Mr. Wright suggested that the other issues which needed to be resolved were:

- Clarify that the only egress and ingress were from Wootton Parkway;
- That there be turning lanes from both sides of the highway so that Wootton

Parkway is maintained as a thruway and not become backed up due to traffic.

- Since the proposed townhouses were only placeholders, wording was needed that addressed the prices of the townhouses to assure that the median price is greater than the median price of the townhouses in Tower Oaks and the detached houses in Hungerford-Stoneridge.
- Regarding the 100 foot buffer and the proposal to reduce the buffer to 75 feet, Mr. Wright said that he did not understand all of the issues associated with the buffer and the activities to be applied to the creek--he said that this was an open issue.

Mr. Marrinan said that the memo dated 7/1/96 from Mr. Herst raised the possibility of looking at one approach to see if single family detached residences were more appropriate for the site than what was proposed. In applying the same zoning standard in existence now or rezoning the property to a higher density single family zone, the site would only hold 4-5 homes. Per Mr. Marrinan's request, Mr. Kuckkahn recited the history of how the City acquired the property and how the commitments were made about its future use.

Councilmember Marrinan said he had the opportunity to speak to some people in the Hungerford-Stoneridge community, and he said there was a lack of understanding of the background on the project. Mr. Marrinan said these people were quite concerned and he did not feel the City fully explained what was being done and why.



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Mayor Krasnow clarified that when the City originally proposed the land swap, there were representatives of the Hungerford-Stoneridge neighborhood present who discussed what would take place. They also raised several issues, and at no time, did the City indicate that the land would not be developed. Mayor Krasnow said that the City made it quite clear that the land would probably be developed with townhouses. She said the main question at that time was whether the development would be subject only to County approval, and it was made clear that the City would be the zoning authority. Mayor Krasnow noted the petition was signed by numerous Hungerford-Stoneridge residents, however, there were not a great number of people present at the Public Hearing. Mayor Krasnow remarked that an October Walking Town Meeting would take place in the Hungerford-Stoneridge neighborhood; however, she did not see a reason to postpone giving instructions to staff. The matter would return to the Mayor and Council for a vote in September and during that time, the Mayor and Council might hear from more residents. If the Mayor and Council were uncomfortable with the issue, they could either delay the matter or vote against it.

The Mayor and Council discussed the issue of the overlay concept and agreed that a better way to explain it to citizens was needed so that everyone understood the issues involved and were comfortable with such proposals. The Mayor and Council decided to postpone Instructions to Staff on the issue. They expressed an interest in visiting the site and Mr. Kuckkahn was asked to follow up on the idea.

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Re: FYI/Correspondence

Mayor Krasnow noted that a new pilot news bureau project addressing youth at high risk was underway in Rockville. She said the project appeared to be an exciting initiative and she asked that the City Manager provide additional details on the project.

Re: New Business

There being no items to discuss under New Business, Mayor Krasnow declared this portion of the meeting closed.

Re: Next Meeting

The Mayor and Council will be on summer recess from August 6 through September 8 and will return in General Session on Monday, September 9, 1996.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:27 p.m., to convene again in General Session at 7:30 p.m. on September 9, 1996, or at the call of the Mayor.